

Response
Application No. 10/802,794
Attorney Docket No. 042141

REMARKS

Claims 1 - 8 are pending in the present application. Reconsideration in view of the following remarks is respectfully requested.

Allowable Subject Matter:

Applicants gratefully acknowledge the indication in item 8 the Office Action that claims 2, 4 and 5 would be allowable, if amended, to include all of the limitations of the base claim and any intervening claims.

However, for at least the reasons set forth below, it is submitted that all of claims 1-8 are allowable.

As to the Merits:

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ghanwani et al. (USP 6,400,686), in view of Cheung et al. (Pub No. 2005/0180415).

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ghanwani et al. (USP 6,400,686), in view of Cheung et al. (Pub No. 2005/0180415), as applied to claim 3 above, and further in view of Nygard et al. (USP 6,044,082).

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Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ghanwani et al. (USP 6,400,686), in view of Cheung et al. (Pub No. 2005/0180415), as applied to claim 1 above, and further in view of Gardner et al. (USP 6,327,275).

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ghanwani et al. (USP 6,400,686), in view of Cheung et al. (Pub No. 2005/0180415), and further in view of Gardner et al. (USP 6,327,275), as applied to claim 7 above, and further in view of Krishnamachari et al. (Pub No. 2003/0072376).

Each of these rejections is respectfully traversed.

Independent Claim 1:

Claim 1 calls for *wherein each of the sender report packet and the receiver report packet comprises report packets of two kinds differing in size, and the sender side apparatus comprises a transmission bit rate estimation means for estimating transmission bit rate on the basis of round-trip delay time for a sender report packet and a receiver report packet each having a small size and round-trip delay time for a sender report packet and a receiver report packet each having a large size.*

Regarding claim 1, it is described that Ghanwani et al. discloses “the sender apparatus comprises a transmission bit rate estimation means for estimating transmission bit rate on the

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basis of round-trip delay time for a sender report packet and a receiver report packet each having a small size and round-trip delay time for a sender report packet and a receiver report packet each having a large size.” (See page 3, lines 6 – 10 of the office action.)

On the other hand, the examiner acknowledges that Ghanwani et al. does not disclose the method of wherein each of the sender report packet and the receiver report packet comprises report packet of two kinds differing in size. (See page 3, lines 15-17 of the office action.)

It seems that these comments in the office action are contradictory.

The Office Action acknowledges that *Ghanwani* does not disclose the feature of claim 1 regarding *wherein each of the sender report packet and the receiver report packet comprises report packets of two kinds differing in size*. However, the Office Action argues that *Cheung*, teaches the method wherein each of the sender report packet and the receiver report packet comprises report packets of two kinds differing in size. Applicants disagree.

It is described that *Cheung* et al. teaches the method of wherein each of the sender report packet and the receiver report packet comprises report packets of two kinds differing in size. (See page 3, lines 17-19 of the office action.)

However, in Cheung et al., it is only disclosed to perform two kinds of feedback from the wireless base station to the media delivery devices, and report packets of two kinds differing in size is not described at all.

The first of the two kinds of feedback is for reporting packet loss on the wired networks. And the second of the two kinds of feedback is for reporting packet loss after overcoming FEC, that is, knowing which packets had actually been sent on the wireless transmission after FEC. These feedbacks do not relate to two kinds of sizes at all.

The applicants contend that the Office Action has not established prima facie obviousness because neither *Ghanwani* nor *Cheung* disclose or suggest at least the feature of claim 1 regarding *wherein each of the sender report packet and the receiver report packet comprises report packets of two kinds differing in size*.

Dependent claim 3

Claim 3 calls for *wherein the sender report packet and the receiver report packet each having the large size are obtained by adding dummy data to the sender report packet and the receiver report packet each having the small size, respectively*.

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Regarding claim 3, it is asserted that the addition of statistical data of Cheung et al. is interpreted as the addition of the dummy data. (See page 4, lines 7-10 of the office action.) Applicants respectfully disagree.

The dummy data of present invention is added to the sender report packet and the receiver report packet in order to change the size of the packet. **In contrast**, the statistical data of Cheung **includes information**, such as a packet loss rate and the average and variance of round trip delay, is used by the sending end to analyze the content. Therefore, the statistical data cannot be interpreted as the dummy data.

The applicants contend that the Office Action has not established prima facie obviousness because neither *Ghanwani* nor *Cheung* disclose or suggest the features of claim 3 regarding *wherein the sender report packet and the receiver report packet each having the large size are obtained by adding dummy data to the sender report packet and the receiver report packet each having the small size, respectively.*

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Dependent claim 6

Claim 6 calls for *wherein the dummy data has been subjected to compression processing.*

Regarding claim 6, it is asserted that, “[t]he compressed speech signal is switched by adding dummy data bit or data to compressed signal,” of Nygard et al. discloses the elements of claim 6. (See page 5, lines 1-2 of the office action.)

However, the addition of the dummy data of Nygard et al. is for matching the bit rate of the compressed data to the bit rate of the transmission channel and it does not relate to the compression processing of the dummy data, as required in claim 6. That is, the “switched” of Nygard et al. means the switching of the transmission line.

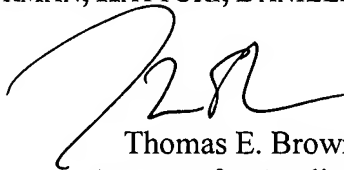
The claims have been shown to be allowable over the prior art. Applicants believe that this paper is responsive to each and every ground of rejection cited in the Office Action dated August 6, 2007, and respectfully requests favorable action in this application.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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